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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,378	01/22/2004	Yoshihiko Uchida	8048-1037	2416

466 7590 09/12/2006

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EXAMINER

QUARTERMAN, KEVIN J

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/761,378

Applicant(s)

UCHIDA ET AL.

Examiner

Kevin Quarterman

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 0606.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment and remarks received on 16 May 2006 have been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15-23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (US 5,142,192).
4. Regarding independent claim 15, Figure 11 of Takahashi shows a display apparatus comprising an electroluminescence display panel including a substrate (83) having a light transmissive property and having a first surface and a second surface, the second surface being opposite to the first surface; a first electroluminescence element disposed on the first surface of the substrate; and a second electroluminescence element disposed on the second surface of the substrate, the second electroluminescence element being formed so as to transmit light and positioned in a place opposite to the first electroluminescence element; a picture signal supply device (col. 6, ln. 8-22); and a brightness control device (col. 6, ln. 27-36), wherein the display panel is configured for a three-dimensional display (col. 3, ln. 21-24).

5. Regarding claim 16, Figure 11 of Takahashi shows the first electroluminescence element comprising a first electrode (84) disposed on the first surface of the substrate and having a light transmissive property (col. 1, ln. 17-31); an electroluminescence layer (86) disposed on the first electrode disposed on the first electrode; and a second electrode (88) disposed on the electroluminescence layer.
6. Regarding claim 17, Figure 11 of Takahashi shows the second electroluminescence element comprising a first electrode (93) disposed on the second surface of the substrate and having a light transmissive property (col. 1, ln. 17-31); an electroluminescence layer (95) disposed on the first electrode disposed on the first electrode; and a second electrode (97) disposed on the electroluminescence layer and having a light transmissive property.
7. Regarding claim 18, Takahashi discloses that the second electrode of the second electroluminescence element may be made of indium zinc oxide (col. 1, ln. 17-31).
8. Regarding claim 19, the Examiner notes that apparatus claims must be structurally distinguishable from the prior art (MPEP § 2114). The propagation of light emitted from the first electroluminescence element adds no additional structure to the claim and thus, has not been given any patentable weight.
9. Regarding claim 20, the Examiner notes that apparatus claims must be structurally distinguishable from the prior art (MPEP § 2114). The propagation of light emitted from the first electroluminescence element adds no additional structure to the claim and thus, has not been given any patentable weight.

10. Regarding claim 21, Figure 11 of Takahashi shows a display area formed in each of the first surface and the second surface; a plurality of the first electroluminescence element disposed in a predetermined arrangement in the display area formed on the first surface of the substrate; a plurality of the second electroluminescence element disposed in a predetermined arrangement in the display area formed on the second surface of the substrate; and each of the plurality of the first electroluminescence element formed on the first surface of the substrate and each of the plurality of the second electroluminescence element formed on the second surface of the substrate are in an opposite relationship to each other.

11. Regarding claim 22, Takahashi discloses the substrate being made of glass (col. 8, ln. 18).

12. Regarding claim 23, Takahashi discloses the substrate being made of transparent plastic (col. 4, ln. 13-14).

13. Regarding claim 25, Figure 11 of Takahashi shows the substrate being a lens array.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (US 5,142,192) in view of Arai (US 6,163,110).

17. Takahashi teaches the limitations of independent claim 15 discussed earlier but fails to exemplify a value obtained by multiplying "n" by "d" being not less than 5mm, where "n" is the refraction index of the substrate and "d" is the thickness of the substrate.

18. Arai teaches that it is known in the art to provide electroluminescence display panels with a substrate, where a value obtained by multiplying "n" by "d" being not less than 5mm, where "n" is the refraction index of the substrate and "d" is the thickness of the substrate. Arai, for example, discloses a substrate of glass having a refractive index (n) of 1.659 (col. 3, ln. 5-7). In this case, a substrate having a thickness of about 3mm or more would have a value of "n" x "d" greater than 5mm. Arai discloses a thickness (d) of 0.3 to 20mm (col. 3, ln. 11-13), which includes values of d being 3 to 20mm. Arai

discloses that the thickness of the substrate is determined depending on the required strength and transparency (col. 3, ln. 13-15).

19. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the electroluminescence display panel of Takahashi with a substrate, where a value obtained by multiplying "n" by "d" being not less than 5mm, where a value obtained by multiplying "n" by "d" being not less than 5mm, where "n" is the refraction index of the substrate and "d" is the thickness of the substrate, as taught by Arai, for providing the required strength and transparency of the substrate.

20. Regarding claim 26, Arai discloses the substrate made of glass or transparent plastic (col. 2, ln. 64-66), and the value obtained by multiplying "n" by "d" being approximately 7mm (col. 3, ln. 5-13).

### ***Response to Arguments***

21. Applicant's arguments received 16 May 2006 have been fully considered but they are not persuasive.

22. In response to applicant's argument that Takahashi fails to disclose the brightness control device, the Examiner notes that Takahashi discloses that it is necessary to scatter the light to obtain a suitable brightness of the picture element and Takahashi provides a light-scattering material for producing a uniform brightness within the picture element (col. 6, ln. 19-34). Thus, the Examiner holds that Takahashi teaches a brightness control device as claimed in the instant application.

***Conclusion***

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (571) 272-2461. The examiner can normally be reached on M-TH (7-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Quarterman  
Examiner  
Art Unit 2879

kq   
1 September 2006



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